



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Rodney M. SHIELDS

Appln. No.: 09/267,025

Filed: March 11, 1999

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins III

RECEIVED
JUN 03 2003
TC 1700

* * * * *

March 21, 2003

PETITIONER'S INDEX OF WITNESSES AND EXHIBITS
UNDER 37 CFR §1.672(b) FOR PUBLIC USE PROCEEDING

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

Petitioner in the public use proceeding of the above-referenced reissue application hereby provides its Index of witnesses and exhibits under 37 CFR §1.672(b).

1. Witness List

Witnesses	Testimony Begins at
Linda M. Icard.....	Ex. 2, p. 1
Benjamin W. Icard.....	Ex. 3, p. 1
George Roland Hill.....	Ex. 4, p. 1
Abigail Parker.....	Ex. 5, p. 1
Patrick Henrietta.....	Ex. 6, p. 1

RECEIVED

MAY 30 2003

OFFICE OF PETITIONS

2. Exhibit List

Exhibit	Description	First Identified
1	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2	Affidavit of Linda M. Icard	Ex. 2, p. 1
2A	Documents relating to production of self-adhesive and static cling assemblies	Ex. 2, p. 8
2B	Records regarding sales of assemblies by Visual Technologies, Inc. and Clear Choice Marketing, Inc.	Ex. 2, p. 8
2C	Extracts from Visual Technologies, Inc.'s production calendar	Ex. 2, p. 3
2D	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2E	October 1, 1993 letters from Clear Choice Marketing, Inc. to Coca-Cola Fountain, Georgia Lottery Commission, and Earl Polmer Brown Co.	Ex. 2, p. 17
2F	Photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 2, p. 15
2G	Article concerning Gatorade's use of ImagolImage advertisement assemblies	Ex. 2, p. 20
2H	Invoice of order to produce "Old Joe" perforated self-adhesive assembly for a full-scale advertising program	Ex. 2, p. 17
2I	U.S. Pat. No. 5,525,177	Ex. 2, p. 23
2J	U.S. Pat. No. 5,773,110	Ex. 2, p. 23

2K	July 26, 1993 Imagolimage, Inc. confidential non-disclosure agreement	Ex. 2, p. 3
2L	Facsimile from Greg Ross to Linda and Ben Icard concerning ImagoImage license	Ex. 2, p. 7
2M	Material similar to the perforated self-adhesive assembly used for the "Airport Cruiser Bus" project	Ex. 2, p. 9
2N	Articles concerning advertisements on buses	Ex. 2, p. 2
2P	Notes made by Linda Icard on 9/29/93 and 9/30/93	Ex. 2, p. 15
3	Affidavit of Benjamin W. Icard	Ex. 3, p. 1
3A	8/16/93 license offer to Linda and Ben Icard from Greg Ross; resulting license	Ex. 3, p. 4
3B	Addendum to the license in Exhibit 3A	Ex. 3, p. 5
3C	Documentation of actual sales of bus advertising materials to Las Vegas Hilton (Day Graphics), David Taylor, TANK Transit Authority, Phoenix Transit, Von Art, WTVD, Graphics International, and Tulsa Transit (Market Media), all of which were shipped before the end of September 1993	Ex. 3, p. 7
3D	ImagoImage, Inc. promotional material; letters from Clear Choice Marketing, Inc. to various customers	Ex. 3, p. 11
3E	ImagoImage, Inc. publicity material including newspaper reports of perforated self-adhesive assemblies on a	Ex. 3, p. 7

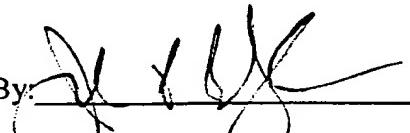
	"RoboBus"	
3F	November 29, 1993 article in Adweek; documentation of the sale of the advertisement illustrated in the Adweek article	Ex. 3, p. 7
3G	Article in the June 1994 P.O.P Times	Ex. 3, p. 15
3H	September 1993 photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 3, p. 11
3I	ImagoImage promotional materials and cover letter enclosing same	Ex. 3, p. 12
3J	October 4, 1993 page from Visual Technologies, Inc.'s production calendar	Ex. 3, p. 16
4	Affidavit of George Roland Hill	Ex. 4, p. 1
4A	Correspondence between Contravision North America, Inc. and ImagelImage, Inc. concerning U.S. Pat. No. 4,673,609	Ex. 4, p. 2
4B	Photographs of the "Old Joe" advertisement assembly	Ex. 4, p. 3
4C	ImagoImage publicity and licensing information; correspondence to and from Contravision North America, Inc. concerning ImagelImage, Inc.'s products	Ex. 3, p. 13; Ex. 4, p. 5
4D	Offcut of a Gatorade advertisement	Ex. 4, p. 6
4E	Photographs of the "Old Joe" advertisement assembly applied to a window at a Circle K convenience store in	Ex. 4, p. 4

	Charlotte, NC	
5	Declaration of Abigail Parker	Ex. 5, p. 1
5A	Photographs taken by Abigail Parker on October 7, 1993 of an ImageoImage advertisement assembly on an LAX Airport Shuttle	Ex. 5, p. 1
5B	Offcut of a mounted Gatorade product advertising assembly	Ex. 3, p. 16
6	Affidavit of Patrick Henrietta	Ex. 6, p. 1
6A	Visual Technologies, Inc. Production Calendar extracts	Ex. 6, p. 2
6B	October 1, 1993 letter from Clear Choice Marketing, Inc. to Coca-Cola Fountain	Ex. 6, p. 5
7	Supplemental Declaration of George Roland Hill	Ex. 7, p. 1
7F	April 8, 1997 Clear Focus Imaging, Inc. "Issued Patents and Patent Applications	Ex. 7, p. 1
7G	Statutory Declaration in the matter of Clear Focus Patents and Patent Applications	Ex. 7, p. 1
7H	ImageoImage Company documents	Ex. 7, p. 1
7I	August 1993 ImageoImage, Inc. brochure and computer printout regarding this brochure	Ex. 7, p. 2
7J	Press cuttings concerning the RoboCop 3 project and a letter dated August 23, 2001 indicating that the RoboCop 3 advertisement assembly was printed by Supergraphics, Inc.	Ex. 7, p. 2

7K	July 21, 1993 license agreement between ImagolImage, Inc. and Supergraphics, Inc.	Ex. 7, p. 3
7L	September 16, 1993 license agreement between ImagolImage, Inc. and Clear Choice Marketing, Inc.	Ex. 7, p. 4
7M	September 27, 1993 license agreement between ImagolImage, Inc. and Edge Media Group, Inc.	Ex. 7, p. 4
7N	Extracts from a protest by Creative Minds Foundation signed by Gregory E. Ross, its President, in the Reissue of U.S. B1 4,673,609	Ex. 7, p. 6
7O	Clear Focus Imaging, Inc.'s Opposition to the Amendment of GB 2 165 292	Ex. 7, p. 6
7P	Declaration of Gregory E. Ross and Amendment dated January 23, 2002 in reissue application no. 09/267025	Ex. 7, p. 3
7Q	August 17, 1993 letter from Gregory E. Ross to Edge Marketing enclosing sample Exclusive License Agreement	Ex. 7, p. 5

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 
 Jack S. Barufka
 Reg. No.: 37,087

Benjamin L. Kiersz
 Reg. No. 51,875

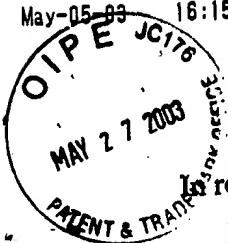
1600 Tysons Boulevard
McLean, VA 22102
Phone: (703) 905-2000
Facsimile: (703) 905-2500

May-05-03 16:15

From-PILLSBURY WINTHROP

703-905-2500

1-428 P.005/022 F-880



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE APPLICATION OF

Rodney M. SHIELDS

Appln. No.: 09/267,025

Filed: March 11, 1999

Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

Confirmation No.: 6529

Group Art Unit: 1772

Examiner: William P. Watkins III

RECEIVED
JUN 03 2003
TC 1700

* * * * *

May 5, 2003

PETITIONER'S SUPPLEMENTAL INDEX OF WITNESSES AND
EXHIBITS UNDER 37 CFR §1.672(b) FOR PUBLIC USE PROCEEDING

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

Petitioner in the public use proceeding of the above-referenced reissue application hereby provides its Supplemental Index of witnesses and exhibits under 37 CFR §1.672(b).

1. Witness List

Witnesses

Testimony Begins at

Linda M. Icard	Ex. 2, p. 1
Benjamin W. Icard,	Ex. 3, p. 1
George Roland Hill.	Ex. 4, p. 1
Abigail Parker.	Ex. 5, p. 1
Patrick Henrietta.	Ex. 6, p. 1
Jack S. Barufka.	Ex. 13, p. 1

RECEIVED

MAY 30 2003

OFFICE OF PETITIONS

2. Exhibit List

Exhibit	Description	First Identified
1	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2	Affidavit of Linda M. Icard	Ex. 2, p. 1
2A	Documents relating to production of self-adhesive and static cling assemblies	Ex. 2, p. 8
2B	Records regarding sales of assemblies by Visual Technologies, Inc. and Clear Choice Marketing, Inc.	Ex. 2, p. 8
2C	Extracts from Visual Technologies, Inc.'s production calendar	Ex. 2, p. 3
2D	Offcut of "Old Joe" advertisement assembly	Ex. 2, p. 13
2E	October 1, 1993 letters from Clear Choice Marketing, Inc. to Coca-Cola Fountain, Georgia Lottery Commission, and Earl Polmer Brown Co.	Ex. 2, p. 17
2F	Photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 2, p. 15
2G	Article concerning Gatorade's use of Imagolimage advertisement assemblies	Ex. 2, p. 20
2H	Invoice of order to produce "Old Joe" perforated self-adhesive assembly for a full-scale advertising program	Ex. 2, p. 17
2I	U.S. Pat. No. 5,525,177	Ex. 2, p. 23
2J	U.S. Pat. No. 5,773,110	Ex. 2, p. 23

2K	July 26, 1993 ImagoImage, Inc. confidential non-disclosure agreement	Ex. 2, p. 3
2L	Facsimile from Greg Ross to Linda and Ben Icard concerning ImagoImage license	Ex. 2, p. 7
2M	Material similar to the perforated self-adhesive assembly used for the "Airport Cruiser Bus" project	Ex. 2, p. 9
2N	Articles concerning advertisements on buses	Ex. 2, p. 2
2P	Notes made by Linda Icard on 9/29/93 and 9/30/93	Ex. 2, p. 15
3	Affidavit of Benjamin W. Icard	Ex. 3, p. 1
3A	8/16/93 license offer to Linda and Ben Icard from Greg Ross; resulting license	Ex. 3, p. 4
3B	Addendum to the license in Exhibit 3A	Ex. 3, p. 5
3C	Documentation of actual sales of bus advertising materials to Las Vegas Hilton (Day Graphics), David Taylor, TANK Transit Authority, Phoenix Transit, Von Art, WTVD, Graphics International, and Tulsa Transit (Market Media), all of which were shipped before the end of September 1993	Ex. 3, p. 7
3D	ImagoImage, Inc. promotional material; letters from Clear Choice Marketing, Inc. to various customers	Ex. 3, p. 11
3E	ImagoImage, Inc. publicity material including newspaper reports of perforated self-adhesive assemblies on a	Ex. 3, p. 7

	"RoboBus"	
3F	November 29, 1993 article in Adweek; documentation of the sale of the advertisement illustrated in the Adweek article	Ex. 3, p. 7
3G	Article in the June 1994 P.O.P Times	Ex. 3, p. 15
3H	September 1993 photographs of the "Old Joe" advertisement assembly as applied to a window of a Circle K convenience store	Ex. 3, p. 11
3I	ImagoImage promotional materials and cover letter enclosing same	Ex. 3, p. 12
3J	October 4, 1993 page from Visual Technologies, Inc.'s production calendar	Ex. 3, p. 16
4	Affidavit of George Roland Hill	Ex. 4, p. 1
4A	Correspondence between Contravision North America, Inc. and ImagoImage, Inc. concerning U.S. Pat. No. 4,673,609	Ex. 4, p. 2
4B	Photographs of the "Old Joe" advertisement assembly	Ex. 4, p. 3
4C	ImagoImage publicity and licensing information; correspondence to and from Contravision North America, Inc. concerning ImagoImage, Inc.'s products	Ex. 3, p. 13; Ex. 4, p. 5
4D	Offcut of a Gatorade advertisement	Ex. 4, p. 6
4E	Photographs of the "Old Joe" advertisement assembly applied to a window at a Circle K convenience store in	Ex. 4, p. 4

	Charlotte, NC	
5	Declaration of Abigail Parker	Ex. 5, p. 1
5A	Photographs taken by Abigail Parker on October 7, 1993 of an ImageoImage advertisement assembly on an LAX Airport Shuttle	Ex. 5, p. 1
5B	Offcut of a mounted Gatorade product advertising assembly	Ex. 3, p. 16
6	Affidavit of Patrick Henrietta	Ex. 6, p. 1
6A	Visual Technologies, Inc. Production Calendar extracts	Ex. 6, p. 2
6B	October 1, 1993 letter from Clear Choice Marketing, Inc. to Coca-Cola Fountain	Ex. 6, p. 5
7	Supplemental Declaration of George Roland Hill	Ex. 7, p. 1
7F	April 8, 1997 Clear Focus Imaging, Inc. "Issued Patents and Patent Applications	Ex. 7, p. 1
7G	Statutory Declaration in the matter of Clear Focus Patents and Patent Applications	Ex. 7, p. 1
7H	ImagoImage Company documents	Ex. 7, p. 1
7I	August 1993 ImagoImage, Inc. brochure and computer printout regarding this brochure	Ex. 7, p. 2
7J	Press cuttings concerning the RoboCop 3 project and a letter dated August 23, 2001 indicating that the RoboCop 3 advertisement assembly was printed by Supergraphics, Inc.	Ex. 7, p. 2

7K	July 21, 1993 license agreement between ImagoImage, Inc. and Supergraphics, Inc.	Ex. 7, p. 3
7L	September 16, 1993 license agreement between ImagoImage, Inc. and Clear Choice Marketing, Inc.	Ex. 7, p. 4
7M	September 27, 1993 license agreement between ImagoImage, Inc. and Edge Media Group, Inc.	Ex. 7, p. 4
7N	Extracts from a protest by Creative Minds Foundation signed by Gregory E. Ross, its President, in the Reissue of U.S. Bl 4,673,609	Ex. 7, p. 6
7O	Clear Focus Imaging, Inc.'s Opposition to the Amendment of GB 2 165 292	Ex. 7, p. 6
7P	Declaration of Gregory E. Ross and Amendment dated January 23, 2002 in reissue application no. 09/267025	Ex. 7, p. 3
7Q	August 17, 1993 letter from Gregory E. Ross to Edge Marketing enclosing sample Exclusive License Agreement	Ex. 7, p. 5
8	Supplemental Declaration of Linda M. Icard	Ex. 8, p. 1
9	Supplemental Declaration of Benjamin W. Icard	Ex. 9, p. 1
10	Second Supplemental Declaration of George Roland Hill	Ex. 10, p. 1
11	Supplemental Declaration of Abigail Parker	Ex. 11, p. 1
12	Supplemental Declaration of Patrick Henrietta	Ex. 12, p. 1
13	Declaration of Jack S. Barufka	Ex. 13, p. 1

May-05-03 16:16

From-PILLSBURY WINTHROP
SHIELDS - Ser No. 09/267,025

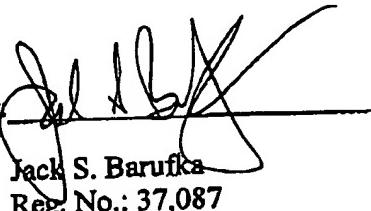
703-905-2500

1-468 F-0117/064 F-000

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:


Jack S. Barufka
Reg. No. 37,087

Benjamin L. Kiersz
Reg. No. 51,875

1600 Tysons Boulevard
McLean, VA 22102
Phone: (703) 905-2000
Facsimile: (703) 905-2500

DORSEY & WHITNEY LLP

MINNEAPOLIS
SEATTLE
NEW YORK
WASHINGTON, D.C.
DENVER
LONDON
DES MOINES
ANCHORAGE
SALT LAKE CITY
FARGO
SOUTHERN CALIFORNIA

1001 PENNSYLVANIA AVENUE, N.W.
SUITE 400 SOUTH
WASHINGTON, D.C. 20004-2533
TELEPHONE: (202) 442-3000
FAX: (202) 442-3199
www.dorseylaw.com

BRUSSELS
NORTHERN VIRGINIA
TOKYO
HONG KONG
GLENDALE
ROCHESTER
TORONTO
MISSOURI
SHANGHAI
VANCOUVER

FAX COVER SHEET

The information contained in this facsimile message, if a client of this firm is a named addressee, or the message is otherwise intended for a client, is presumptively legally privileged and confidential information. If you are not a named addressee, or if there is any reason to believe that you may have received this message in error, (1) do not read the message below; (2) do not distribute or copy this facsimile; and (3) please immediately call us collect at the number of the sender below.

DATE: May 27, 2003 TOTAL # OF PAGES (INCLUDING THIS COVER SHEET): *24*
PJ

TO: Doug McGinty FAX #: 703 872 9360
FIRM NAME: US Patent and Trademark Office TELEPHONE #: 703 308

FROM: Aldo Noto FAX #: (202) 442-3199

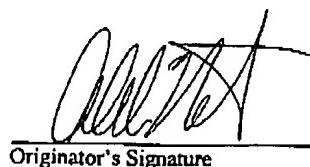
TELEPHONE #: 202/442-3520 EMAIL: noto.aldo@dorseylaw.com

COMMENTS:

Dear Examiner McGinty

Attached for your information are papers filed today in "In re Reissue Application Ser. No. 09/267,025

Aldo Noto, Reg. No. 35,628



Originator's Signature

Original will be sent via:

Mail

Messenger

Air Courier

Will not be sent

PLEASE CONTACT M. JANE STRAHL AT 202/442-3624 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

Reference# 468824/8

132
6/14/03
JL

TECHNOLOGY CENTER 1700

RECEIVED
MAY 27 2003**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re REISSUE APPLICATION OF****Rodney M. SHIELDS****Appln. No.: 09/267,025****Filed: March 11, 1999****Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING****Confirmation No.: 6529****Group Art Unit: 1772****Examiner: William P. Watkins, III****APPLICANT'S REQUEST FOR CROSS-EXAMINATION OF
PETITIONER'S AFFILIANTS**

Pursuant to the Schedule for the Public Use Proceeding set forth on January 13, 2003 and in conformance with MPEP 720.04, applicant hereby requests cross-examination of petitioner's affiants as follows:

Linda M. Icard
Benjamin W. Icard
George Roland Hill
Abigail Parker
Patrick Henrietta

Applicant intends to use the testimony and exhibits of the petitioners in the record at cross-examination. *See Exhibit A To Applicant's Request For Cross-Examination Of Petitioner's Affiliants and Draft Notice of Deposition of Linda M. Icard, Draft Notice of*

Deposition of Benjamin W. Icard, Draft Notice of Deposition of George Roland Hill, Draft
Notice of Deposition of Abigail Parker and Draft Notice of Deposition of Patrick Henrietta.

Respectfully submitted,

DORSEY & WHITNEY LLP



Aldo Noto, Reg. No. 35,628
1001 Pennsylvania Avenue, N.W.
Suite 400 South
Washington, D.C. 20004
Tel: (202) 442-3000 ~
Direct: (202) 442 3520
Fax: (202) 442 3199

*Attorneys for Applicant
Clear Focus Imaging, Inc.*

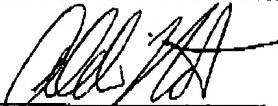
PROOF OF SERVICE UNDER 37 CFR §1.248

I hereby certify that a true copy of the foregoing **APPLICANT'S REQUEST FOR CROSS-EXAMINATION OF PETITIONER'S AFFIANTS** was served by facsimile and by U.S. First Class Mail this 27th day of May 2003 on counsel for the reissue Petitioner's indicated below:

Jack S. Barufka
Benjamin L. Kiersz
PILLSBURY WINTHROP LLP
1600 Tysons Boulevard
McLeran, VA 22102
Phone: (703) 905-2000
Facsimile: (703) 905-2500

Respectfully submitted

DORSEY & WHITNEY LLPL

By: 

Aldo Noto, Reg. No. 35,628